



03.04.04

Attorney's Docket No. 49954-DIV 2(70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

J. Nakajima, et al.

U.S.S.N.:

10/671,239

Examiner: Not Yet Assigned

Filed:

September 24, 2003

Group: 1734

For:

OPTICAL DISC HAVING PITS OF DIFFERENT DEPTH FORMED THEREIN,  
OPTICAL DISC DEVICE FOR REPRODUCING THE SAME, AND METHOD  
REPRODUCTION

\*\*\*\*\*  
CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No. EV 438972655 US), and is addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 ATTENTION: GROUP DIRECTOR on March 4, 2004.

By Kathryn A. Grindrod  
Kathryn A. Grindrod

\*\*\*\*\*  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTENTION: GROUP DIRECTOR

Sir:

CORRECTED INFORMATION DISCLOSURE STATEMENT WITH CERTIFICATION

This is to correct the Rule under which the Information Disclosure Statement filed in this case on February 11, 2004 was filed. The appropriate Form PTO 1449 is attached, however, the cited references are not being resubmitted at this time. Should the Examiner require duplicate copies of the references cited, it is respectfully requested that he contact the undersigned as soon as possible.

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on Form PTO-1449, attached hereto.

II. COPIES

- a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. \_\_\_\_\_ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No.\_\_\_\_\_, filed on \_\_\_\_\_. The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. X A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:  
See English language Abstracts attached to each of the documents cited and provided herewith.
- c. X The following additional information is provided for the Examiner's consideration:  
The documents cited and provided herewith were cited in a Japanese Office Action on September 9, 2003 and October 7, 2003 in an application corresponding to this application (a copy of the Notice of Ground Rejection, dated September 9, 2003 and October 7, 2003, and English translation thereof, are attached).  
Japanese Laid-Open Patent Publication No. JP8-031015 also was cited in an Office Action issued in relation to Japanese Patent Application No. 11-184604 (see item BA). Japanese Laid-Open Patent Publication No. JP5-205276 was also cited in an Information Disclosure Statement filed on June 29, 2000 (see item.BG).

## **FEES**

**IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**  
(check one box)

- a.  within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b.  within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.
- c.  Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

**V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a.  No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

## **OR**

- b.  See the certification below. No fee is required.

**VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)**

The undersigned hereby states that

- a.  each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b.  no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. \_\_\_\_\_

Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

\_\_\_\_\_

Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

X \_\_\_\_\_

No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. **04-1105**.

Respectfully submitted,

Date: March 4, 2004

David A. Tucker  
SIGNATURE OF PRACTITIONER

Reg. No.: 27,840  
Tel. No. (617) 517-5508

David A. Tucker  
(type or print name of practitioner)  
Attorney for Applicant(s)

Customer No.: 21874

Edwards & Angell, LLP  
P.O. Box 55874  
P.O. Address

433011

Boston, MA 02205



FORM PTO-1449  INFORMATION DISCLOSURE STATEMENT		DOCKET NO: 49954-DIV 2 (70551)	SERIAL NO.: 10/671,239
		APPLICANT(S): J. Nakajima, et al.	
		FILING DATE: September 24, 2003	GROUP NO.: 1734

#### UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

#### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	BA	08-031015	02/02/1996	JAPAN			Abstract
	BB	11-167733	06/22/1999	JAPAN			Abstract
	BC	60-167129	08/30/1985	JAPAN			Abstract
	BD	60-242532	12/02/1985	JAPAN			Abstract
	BE	02-108244	04/20/1990	JAPAN			Abstract
	BF	62-129944	06/12/1987	JAPAN			Abstract
	BG	05-205276	08/13/1993	JAPAN			Abstract
	BH	06-215380	08/05/1994	JAPAN			Abstract

#### OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

CA		
EXAMINER:	DATE:	